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23 BANK OF AMERICA AND SHAWNA AGUILAR

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1 By this joint stipulation, Defendants Bank of America, National Association and Shawna
2 Aguilar and Plaintiff Alvin Guillermo, by and through their counsel, respectfully request that the
3 Court amend its Pretrial Order to postpone all pretrial and trial dates by approximately 90 days, for
4 the following reasons:

5 1. The parties have agreed that mediation is appropriate for this case, and seek to
6 attempt to resolve the matter outside of Court.

7 2. Plaintiff's counsel has indicated that she would like to depose the individual
8 defendant, Shawna Aguilar, prior to mediation.

9 3. Ms. Aguilar's deposition was tentatively set for November 6, 2006. However, on
10 October 23, 2006, Plaintiff's counsel's trial in the matter of *Ray v. Ring*, San Francisco Superior
11 Court Case No. 05-444834, was continued to November 6, 2006, so she was unavailable to take
12 Ms. Aguilar's deposition. Due to Plaintiff's counsel's trial schedule and the witness' availability,
13 Ms. Aguilar's deposition could not be scheduled until December 20, 2006.

14 4. Because of this delay in discovery and because counsel for Defendant is out of town
15 from December 19 – January 9, 2007, this case cannot be scheduled for mediation until late January
16 or early February 2007.

17 5. If mediation is not successful, Defendant anticipates filing a motion for summary
18 judgment.

19 6. The current pretrial order sets a discovery cut-off of December 8, 2006. Plaintiff
20 and Defendant agree that discovery necessary to mediation cannot be completed before that date.

21 7. The parties have previously stipulated to extend, and the Court has extended, the
22 date for expert reports to November 22, 2006. However, the parties agree that such costly reports
23 should be postponed pending mediation.

24 8. The current pretrial order requires dispositive motions to be heard by January 23,
25 2007. The parties agree that they should attempt mediation before involving the Court in any
26 dispositive motions.

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Heller Ehrman LLP

STIPULATION TO MODIFY PRETRIAL SCHEDULING ORDER AND [REDACTED] ORDER; CASE NO. C-05-
4655MJJ

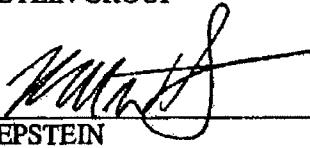
1 Therefore, the parties request that the Court amend the pretrial order to permit time to
2 complete discovery prior to mediation and to mediate the case in an effort to resolve it outside of
3 Court. The parties request the following amendment to the pretrial order:

4 Non-Expert Discovery Cutoff: January 31, 2007
5 Expert Report: March 16, 2007
6 Expert Discovery Cutoff: April 16, 2007
7 Dispositive Motions Shall be heard by: May 1, 2007
8 Trial Date: Monday, June 4, 2007

9 The parties also request that the settlement conference, currently scheduled for January 25, 2007
10 with Judge Chen be postponed to sometime during May 2007.

13 November 7, 2006

Respectfully submitted,
THE EPSTEIN GROUP

15 By: 
16 MARK EPSTEIN
17 PETER C. CATALANOTTI
18 KRISTINA M. WERTZ

19 Attorneys for Plaintiff
ALVIN GUILLERMO

21 November 7, 2006

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25 SARAH E. ARMSTRONG

26 Attorneys for Defendants
27 BANK OF AMERICA, National Association,
and SHAWNA AGUILAR

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Ehrman LLP

ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT the Request for an amendment of the Pretrial Order is GRANTED. The Pretrial Order shall be amended as follows:

Non-Expert Discovery Cutoff: January 31, 2007

Expert Report: March 16, 2007

Expert Discovery Cutoff: April 16, 2007

Dispositive Motions Shall be heard by: May 1, 2007

Trial Date: Monday, June 4, 2007

Pretrial Date: Tuesday, May 22, 2007 at 3:30 pm

Furthermore, the settlement conference currently scheduled for January 25, 2007 with Judge Chen will take place in May 2007.

DATED: 12/21/2006

Martin J. Jenkins

**The Honorable Martin J. Jenkins
UNITED STATES DISTRICT COURT**

Heller
Ehrman LLP